

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

PUBLIC HEARING

Concerning

**A RESOLUTION APPROVING
CLEANUP AND ABATEMENT ORDER NO. R5-2005-0711
FOR
PRESTON AND LOIS AVERY
CONTRA COSTA COUNTY**

On 10 June 2005 the Executive Officer issued Cleanup and Abatement Order Number R5-2005-0711 to Preston and Lois Avery. Preston Avery filled wetlands, a water of the state, without the necessary permits from either the Corps of Engineers or the Regional Board. The Cleanup and Abatement Order required the Discharger, in part, to cease discharging waste to wetlands and other waters and to restore the filled wetlands by 30 September 2005. The Discharger has failed to comply with the Cleanup and Abatement Order. The Discharger has requested a hearing before the State Board regarding this matter. The Regional Board will first consider adoption of a Resolution Approving the Cleanup and Abatement Order.

A **formal** public hearing concerning this matter will be held during the Regional Board meeting, which is scheduled for:

DATE: 20/21 October 2005
TIME: 8:30 am
PLACE: Central Valley Regional Board Office
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

The designated parties for this hearing are as follows:

- Staff of Central Valley Regional Board
- Preston and Lois Avery

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such request in writing to the Board no later than **14 October 2005**. The request must explain the basis for status as a designated party and in particular how the person is directly affected by the discharge.

The Cleanup and Abatement Order Number R5-2005-0711 was issued on 10 June 2005. The Discharger has failed to comply with the Cleanup and Abatement Order. Persons wishing to comment on this noticed hearing item must submit evidence, if any, or comments in writing to the Regional Board no later than **7 October 2005**. Written

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evidence or comments submitted after that date may not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

All designated parties and interested persons may speak at the Regional Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair

Anyone having questions on the proposed Resolution should contact Pat Gillum (916) 464-4709 or George Day (916) 464-4606. Interested parties may download the proposed Order and related documents from the Regional Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/>. Copies of these documents can also be obtained by contacting or visiting the Regional Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114 weekdays between 8:00 a.m. and 5:00 p.m.

The procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and is available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/water_laws/. Information on meeting and hearing procedures is also available on the Regional Board's website at http://www.waterboards.ca.gov/centralvalley/board_meetings/mtgprocd.html or by contacting any one of the Board's offices. Questions regarding such procedures should be directed to Ms. Janice Tanaka at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.


for Jack E. Del Conte, Assistant Executive Officer

23 September 2005